

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

BRIAN STEVEN MCNEAL,

Petitioner,

v.

CARLOSE LUNA,

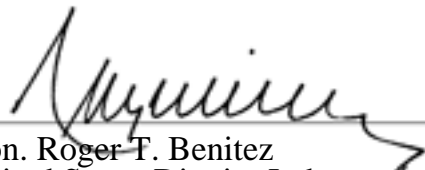
Respondent.

Civil No. 06cv1814-BEN (WMc)

**ORDER DISMISSING ACTION  
WITHOUT PREJUDICE**

Petitioner Brian Steven McNeal has submitted a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 challenging his state court criminal proceedings. Petitioner has been declared a vexatious litigant in this Court after having filed at least 35 cases in this Court challenging the same proceedings. (See Order filed 5/8/06 in SO. DIST. CA. CASE NO. 06mc226-IEG at 1.) Petitioner has been enjoined from filing further civil actions in this Court challenging those proceedings unless he requests and receives prior permission of the Court. (Id. at 4.) Petitioner is required to seek such permission by filing a “Motion for Leave to File” bearing Case No. 06mc226-IEG, which attaches a copy of any proposed pleading and sets forth the basis upon which he asserts this Court has jurisdiction over his claims. (Id.) This action is therefore **DISMISSED** without prejudice to Petitioner to follow those procedures.

DATED: September 28, 2006

  
Hon. Roger F. Benitez  
United States District Judge